

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:04-cv-1110-MEF
)	(WO)
ALFRED ALLEN LEE)	

AMENDED ORDER

There being no objections filed to the Recommendation of the Magistrate Judge entered on June 8, 2007 (Doc. #33), said Recommendation is hereby adopted and it is the ORDER, JUDGMENT and DECREE of the Court that:

1. Movant's motion for relief from judgment pursuant to Fed.R.Civ.P. 60(b)(6) is GRANTED to the extent that this Court's order of January 10, 2007 (Doc. #31) is AMENDED to include the following remedy in compliance with *United States v. Phillips*, 225 F.3d 1198 (11th Cir. 2000);

2. The judgment in Criminal Case No. 2:03cr67-MEF is vacated;

3. The same sentence then is reimposed and the identical judgment in the criminal case is re-entered;

4. Movant is advised that he must file any notice of appeal from the re-entered judgment within the ten-day period provided by Federal Rule of Appellate Procedure 4(b)(1)(A)(I); and

5. Movant is advised that he has the right to appeal from the re-entered judgment in

the criminal case and that, if he cannot afford the cost of an appeal, he may petition to the Court for leave to appeal *in forma pauperis*.

DONE this the 10th day of July, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE